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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,267	02/14/2006	William A. Kanitz	SCORE01PCT	9705
<div>7590 10/03/2007</div> <div>Ralph W Selitto Jr McCarter & English Four Gateway Center 100 Mulberry Street Newark, NJ 07102</div> <div>EXAMINER CABRERA, ZOILA E</div> <div>ART UNIT PAPER NUMBER</div> <div>2125</div> <div>MAIL DATE DELIVERY MODE</div> <div>10/03/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 

10/568,267

mn
Applicant(s)

KANITZ ET AL.

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-20, 23, 25-28, 34-35, 37-38 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godfrey et al. (US 2003/0023337 A1) in view of Swan (US 2003/0132855 A1).

Godfrey discloses:

1. A system for collecting and recording data on an item as the item experiences changes in state over time, said system being characterized by first data input means for capturing a first set of data pertaining to a first state of the item in a first environment, data descriptive of the first state of the item and identification data correlated to the item; (Fig. 3, steps 242-243; Page 1, [0008]);

second data input means for capturing a second set of data pertaining to a second state of the item in a second environment, data descriptive of the second state of the item and identification data correlated to the item; (Fig. 3, steps 249-250; Page 1, [0008]);

data processing means for storing said first and second sets of data in a database and selectively accessing said first and second sets of data from said database (Page 1, [0010]; Page 2, [0020]); and

communication means for communicating said first and second sets of data to said data processing means (Page 2, [0022]).

2. The system of Claim 1, further comprising transportable data storage means for receiving and storing a third set of data, said transportable data storage means

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physically accompanying the item for a selected length of time (Page 2, [0029]-[0031]; Fig. 3, Tag chip; Page 5, [0088]-[0089], please note that there are multiple operations that could be stored in the tag chip).

3. The system of Claim 2, further comprising a third data input means for reading said transportable data storage means and accessing said third set of data (Page 5, [0090]).

4. The system of Claim 3, further comprising a first output means for writing a fourth set of data to said transportable data storage means (Page 5, [0090]).

5. The system of Claim 3, wherein said first and second sets of data at least partially include data observed about the item in the first and second environments, respectively (Fig. 3, steps 242-243, 249-250).

6. The system of Claim 4, wherein said third set of data is captured by at least one of said first and second data input means (Fig. 4, element 370).

7. The system of Claim 4, wherein a portion of at least one of said first and second sets of data is included in said fourth set of data (Fig. 3, each manufacturing operations writes if successful operation and the Tag chip includes the compliance checks of each stage operations such as 1, 2, 3, 4, etc.).

8. The system of Claim 7, wherein a portion of said third set of data is included in said fourth set of data (Fig. 3, each manufacturing operations writes if successful operation and the Tag chip includes the compliance checks of each stage operations such as 1, 2, 3, 4, etc.).

9. The system of Claim 4, wherein said first output means is selected from the group consisting of: a 2D matrix label printer, a barcode label printer, a text label printer, a magnetic card writer, a magnetic stick writer, a floppy disk writer, a and a CD writer (Page 2, [0024]; Page 3, [0035]).

10. The system of Claim 3, wherein said third data input means is selected from the group consisting of: a 2D matrix label reader, a CCD camera, a barcode reader, a magnetic stripe reader, a magnetic card reader, an EID tag reader, a magnetic stick reader a CD reader, a floppy disk reader and an optical character reader (Page 2, [0024]; Page 3, [0035]).

11. The system of Claim 2, wherein said transportable data storage means is selected from the group consisting of: a 2D matrix label, a barcode label, an EID tag, a magnetic stripe, a magnetic card, a magnetic stick, a ROM chip, a text label, a floppy disk and a CD disk (Page 2, [0024]; Page 3, [0035]).

12. The system of Claim 1, wherein said first data input means is selected from the group consisting of: a Personal Digital Assistant (PDA), a cell phone, a digital camera, a handheld computer, a personal computer with keyboard, and a weighing scale (Page 3, [0053]; [0061]).

13. The system of Claim 1, wherein said data processing means includes a computer programmed with database management software (Page 3, [0053]).

14. The system of Claim 1, wherein said communications means includes a network and said data processing means is connected to said network (Page 5, [0095]).

15. The system of Claim 14, wherein said network is the internet (Page 5, [0095]).

16. A method for tracking an item as it changes state and environment over time, comprising the steps of:

(A) collecting and recording a first set of data pertaining to an item in a first state in a first environment (Fig. 3, steps 242-243; Fig. 4, elements 370, 361);

(B) changing at least one of the first state and the first environment of the item to a second state and a second environment (Page 2, [0021]; Fig. 4, Operation 2, W2; Page 5, [0093]-[0094]);

(C) collecting and recording a second set of data pertaining to the item (Fig. 3, steps 246-250);

(D) communicating the first and second sets of data to a data processing system (Fig. 4, elements 360, 362, 370);

(E) storing the first and second sets of data in a database of the data processing system (Page 3, [0053]);

(F) selectively accessing at least a portion of the first and second data sets (Page 5, [0087]; [0089]-[0091]).

17. The method of Claim 16, further including the step of reading a third set of data from first media physically accompanying the item (Fig. 4, operation n; Page 5, [0087]).

18. The method of Claim 17, further including the step of writing a fourth set of data on second media, said second media then being physically associated with the item to accompany the item for further changes in environment (Page 3, [0038]-[0039]).

19. Then method of Claim 16, wherein said step of collecting includes capturing observed data concerning the item when the item is in environment 1 (Fig. 3, operation 1)

20. The method of Claim 18, wherein the step of collecting includes capturing observed data concerning the item when the item is in the first environment (Fig. 3, steps 242-243), the step of communicating includes transmitting the first set of data over the internet to the data processing system (Fig. 4, element 370), the step of storing includes entering the first set of data into a database on the data processing system (Page 3, [0053]) and the step of selectively accessing includes submitting a query via database management software to select data from the database in response to a user-defined criterion (Page 5, [0095]; Page 4, [0065]).

23. The method of Claim 16, wherein the item is a component of a composite item having additional compositional items and further comprising the steps of tracking the additional compositional items and the composite item by performing the steps (A) through (F) for each (Page 2, [0021]-[0022]).

25. An item tracking system for collecting and recording data on an item as the item experiences changes in state over time, comprising:

(A) a server computer with data processing capability and a database, said server computer connected to the internet (Page 5, [0095]; Fig. 4, element 370);

(B) a plurality of geographically separated node systems connectable to the internet, each of said plurality of node systems capable of capturing data concerning the item at various times and states of the item and communicating the captured data to the server via the internet for storage in said database, said server computer capable of generating a history of said item from the data captured and sent to said server from said plurality of node systems (Figs. 4-5; Page 2, [0021]-[0022]; Page 6, [0098]-[0099]).

26. The tracking system of Claim 25, further including a label reader associated with at least a portion of said plurality of node systems, said label reader capable of reading labels physically associated with the item to obtain label data and communicating that label data to said server (Figs. 4-5; Page 5, [0093]-[0094]).

27. The tracking system of Claim 26, further comprising a label printer, said label printer printing labels representative of data concerning the item and thereby permitting the item to be relabeled with data that reflects an up-to-date product history (Page 1, [0007]; Fig. 2; Page 5, [0083]-[0087]; Page 3, [0035]).

28. The tracking system of Claim 27, wherein the type of label produced by said label printer is selected from the group consisting of: 2D matrix label, bar-code label and text label (Page 3, [0035]).

34. The system (10) of Claim 1, further including display means (30) associated with at least one of said first data input means and said second data input means for displaying at least one of said first set of data and said second set of data (Fig. 5).

35. The system (10) of Claim 34, wherein at least one of said first set of data (38) and said second set (38) of data includes identification data (56a-56e) pertaining to said first environment (14a, 14b, 14c) and said second environment (14a, 14b, 14c), respectively (Fig. 3, steps 242-243 and 249-250; [0096]-[0099]).

37. The system (10) of Claim 2, wherein said third set of data (38) is selectively composed of at least one of said first set of data (38) and said second set of data (38) ([0021]-[0022]; [0087]-[0089]).

38. The system of Claim 14, wherein said communication means (44) includes a wireless connection to the internet (20) ([0053];[0099]).

44. The system of Claim 4, wherein each change in state is associated with a function conducted by an entity on the item at a location, each function being conducted at the Initiative of an entity ([0021]-[0022]).

Godfrey discloses most of the limitations of claims 1, 4, 16 and 25 but fails to disclose some limitations thereof and also fails to disclose the limitations of claims 45-49, but Swan discloses such limitations as follows:

As for claims 1, 4, 16, 25, 45 and 47-48,

said first set of data or second set of data including global positioning system data, corresponding to the item's location in the first state or second state at a first time or at a second time; capable of generating a chronologically and/or geographically ordered, site-specific history of the item, describing each state of the item at each time and location for which data was collected ([0040]; [0101]-[0102]; [0259]; [0261]).

As for claims 46 and 49, Please note that Swan discloses that the item can be any physical object that might have a location ([0039]). Swan further discloses RFID technology and barcode ([0031]-[0034]) which are transportable tags associated with the items for reading/writing information about the corresponding items.

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of Godfrey with the item tracking system of Swan because it would provide an improved real-time location system ([0255]-[0257])

2. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godfrey et al. (US 2003/0023337 A1) and Swan as indicated above and further in view of Thorvaldsson et al. (US 6,546,304).

Regarding claims 21-22, Godfrey discloses the limitations of claim 16 above but fails to disclose identifying the source of a health threat associated with the item and that the item is a food product. However, Thorvaldsson discloses such limitations (Thorvaldsson, Abstract). Therefore it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of Godfrey and Swan with the system of Thovaldsson because it would provide an improved system for tracking back sources of contamination and for verification of the status and quality, weight of a product (Thorvaldsson, Col. 1, lines 10-20).

3. Claims 24, 29-33, 36 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godfrey et al. (US 2003/0023337 A1) in view of Swan.

Regarding claim 24, Godfrey and Swan disclose the limitations of claim 16 above but fail to disclose the item is the performance record of an athlete. But Godfrey discloses that his disclosure is for purposes of illustration only (Page 6, [0103]). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to use the teachings of Godfrey and Swan to track the performance record of an athlete because it would provide an automated method for easily accessing accurate performance data.

With respect to claims 29-31, 36 and 50-52, Godfrey and Swan disclose the limitations of claim 27 and 25 above and further discloses the limitations of claim 31, said at least one of said plurality of node system includes a cell phone ([0061]). Godfrey further discloses identification data for identifying the item and Tag associated with object including DATE /TIME STAMP (Page 5, [0087]). However, Godfrey fails to disclose, as for claims 29-30, the label printed by said label printer includes the internet address of said server and that the captured data on the item is communicated to said server along with data indicative of the geographic location of the item. However, it would have been obvious to a person of the ordinary skill in the art to include geographic location of the item and an internet address of said server because it would provide an improved system as taught by Godfrey wherein Data collectors located remotely can transfer the data with the corresponding geographic and location

information for quickly monitoring the history of an item as fully disclosed by Godfrey (Page 1, [0007]; Page 2, [0022]).

As for claims 32-33, Godfrey and Swan disclose the use of internet and a cellular communication or cell phone ([0061]; [0063]). However, Godfrey and Swan fail to disclose that the cell phone has imaging capability and transmitting label image data over the internet for subsequent process by a remote computer. But it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to have used a cell phone with imaging capability for transmission purposes over the internet because it is well known in the art that cell phones have imaging capability and thereby it would provide an improved system by transmitting imaging data with the use of a cellular system as taught by Godfrey ([0063]).

4. Claims 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godfrey et al. (US 2003/0023337 A1) and Swan and further in view of Myllymaki (US 6,348,867).

Godfrey and Swan disclose the limitations of claim 16 above but fail to disclose the limitations of claim 39-43, however, Myllymaki discloses such limitations as follows:

39. The method of Claim 16, wherein said steps (A) and (C) of collecting and recording pertain to identification of information (38) for a person (Fig. 4).

40. The method of Claim 39, wherein said identification information (38) is utilized to track a person for the purposes of at least one of scheduling, security and timekeeping (Col. 4, lines 52-65).

41. The method of Claim 16, wherein said steps (A) and (C) of collecting and recording pertain to access data (38) controlling the access of a person to a secure site (Col. 4, lines 52-65).

42. The method of Claim 41, wherein at least one of said steps (A) and (C) of collecting includes retrieving date (38, 40) from an access token (40, 40d, 46d-46f) carried by a person (Col 2, lines 42-51).

43. The method of Claim 42, wherein said access token (40, 40d, 46d-46f) is in the form of an ID card bearing digitally recorded data (Col. 4, lines 25-32).

Therefore it would have been obvious to a person of the ordinary skill in the art to combine the teachings of Godfrey and Swan with the teachings of Myllymaki because it would provide an automatic control system for security or clearances purposes when entering a secured area (Col. 2, lines 42-62).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

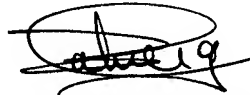
Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (571) 272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. Additionally, the fax phones for Art Unit

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2125 are (571) 273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera
Patent Examiner
9/27/07

A handwritten signature in black ink, appearing to read 'Zoila Cabrera', is written over a horizontal line.

ZOILA CABRERA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100